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December 7, 2004

Alva E. Smith, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5580

Dear Ms. Smith:

The undersigned represents the Alaska Democratic Party ("ADP"), and Joelle Hall, as Treasurer in the above mentioned matter. This matter was generated by a complaint filed by Timothy A. McKeever against the ADP. In his complaint, Mr. McKeever alleges that the ADP violated 11 C.F.R. § 110.11(a)(1) by failing to place a disclaimer on an letter that encouraged voters to vote by absentee ballot.

Under the Commission's regulations, which were revised in response to the Bipartisan Campaign Reform Act of 2002, any public communication by a political committee, irrespective of content, must contain a disclaimer that states who paid for the communication, provides contact information for the person who paid for the communication and state whether the communication was authorized by any federal candidate or candidate's committee. 11 C.F.R. § 110.11(a)(1). In this case, the ADP produced a letter to registered voters that discussed voting by absentee ballot. The ADP is well aware of this requirement, and, in fact, the template sent to its mail vendor, Northmail, Inc. to produce the mailing did, in fact, contain the necessary disclaimer.

Attached hereto, is a declaration of Bridget Gallagher, former Executive Director of the Alaska Democratic Party, that confirms that the letter sent to Northmail for processing did, in fact, contain the necessary disclaimer. Apparently, when Northmail processed the letter for mailing, the disclaimer somehow was deleted from the letter. An enclosed affidavit from Janelle Norman, Manager, VP Mail Operations of Northmail, confirms that the deletion of the disclaimer was caused by the Northmail during the production process.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 DEC - 7 P 4: 45

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Indeed, the first time that the ADP learned that the absentee ballot mailing did not contain the proper disclaimer was when it received the complaint in this matter. Generally, the Commission has not held a committee liable for the failure to place a disclaimer on a communication when that failure was caused solely by the error of a vendor who was working on behalf of the committee. In instances where the failure to properly place a disclaimer on campaign materials was the fault of the vendor, the Commission has generally taken no further action against the committee. See, eg. MURs 4566, 5133.

In this instance, Ms. Gallagher sent Northmail a letter utilizing a Microsoft Word computerized format. The disclaimer for the letter was contained in a "footer" within the Word document. Since Northmail had undertaken several similar projects for the ADP without incident, Ms. Gallagher did not request a proof to be sent to her prior to the distribution of the mailing. Therefore, neither Ms. Gallagher, nor any other party representative, had prior knowledge of the missing disclaimer. Notwithstanding the failure to include the disclaimer, it should be noted the letter's heading and return envelope make it clear that the letter was being disseminated by the Alaska Democratic Party.

Based upon the Commission's longstanding policy of not pursuing enforcement actions against a committee where the committee's vendor erred in not including a disclaimer on its materials, the Commission should find no reason to believe that the ADP, and Joelle Hall, as Treasurer, violated any provision of the Federal Election Campaign Act or the Commission's regulations and should close this matter with respect to the ADP.

Sincerely,

Neil Reiff
Counsel to the Alaska Democratic
Party, and Joelle Hall, as Treasurer

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE

Alaska Democratic Party

and

Joelle Hall as Treasurer

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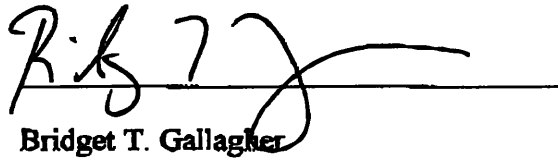
DECLARATION OF BRIDGET T. GALLAGHER

1. I am the former Executive Director of the Alaska Democratic Party ("ADP"). I have held this position from September 2003 until the end of November 2004.
2. As part of my responsibilities as Executive Director, I prepared a letter for dissemination in October 2004 encouraging Alaska voters to vote by absentee ballot. The final version of the letter that was sent, via email, to our mail production vendor, Northmail, contained the complete disclaimer required by Federal Election Commission regulations. The letter was sent in a Microsoft Word format and the disclaimer was contained as a "footer" to the document.
3. The ADP had successfully used Northmail to conduct mass mailings on its behalf several times in the past. Therefore, due to the high volume of activity that was occurring immediately prior to the general election, I did not request a proof of the mailing for review prior to its distribution.

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4. I did not learn of the failure to include the disclaimer in this matter until our office received a copy of the complaint in this mater, from the complainant himself, on October 20, 2004.

I declare under penalties of perjury that the foregoing is true and correct to the best of my present knowledge, information and belief. Dated this 7th day of December, 2004.


Bridget T. Gallagher

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ALASKA DEMOCRATIC PARTY



Moving Alaska Forward

PO Box 231230
Anchorage, AK 99523-1230
907.258.3050 v
907.258.1626 f
adp@alaska.net
www.alaskademocrats.org

October 13, 2004

First Last
Street Address 1
Street Address 2
City, State ZIP

Dear _____,

You may have recently received a letter about your absentee ballot from state Republican Party leader Randy Ruedrich. **This letter contains misleading and outright false statements.** You deserve to know the truth.

Your ballots are delayed this year because **the Murkowski administration tried to put false and misleading statements** in the ballots and got caught.

But don't take our word on it. Listen to what the Superior Court Judge Morgan Christen said about the ballot the Murkowski administration tried to send you:

"The ballot title drafted by the Lieutenant Governor is **misleading, factually inaccurate and lacks the impartiality required by law.**" In addition, she said the ballot summary, which is supposed to be fair and impartial, constituted "impermissible advocacy" and was "fatally defective."

Because they got caught trying to mislead you, the Murkowski administration was forced to reprint the ballots, **costing all Alaskans over a quarter of a million dollars and causing the delay** you are now experiencing.

Democratic candidates in this election have **fought for your right to vote** on who represents you in the US Senate, for open caucus, for open primary ballots, and for **lowering the influence of special interests.**

The Murkowski administration has been a **two-year string of embarrassments** like taking the longevity bonus away from Alaska seniors, flip-flopping on taxes, **appointing his daughter to the US Senate and party cronies to high-paying state jobs**, and trying to buy an executive jet with homeland security money, among others.

If you get any more mail from Randy Ruedrich, keep in mind he has **already admitted to misuse of official position** by engaging in partisan political activity in his \$118,000

This communication is paid for by the Alaska Democratic Party, PO Box 231230, Anchorage, AK 99523-1230 and is not authorized by any candidate or candidate's committee.

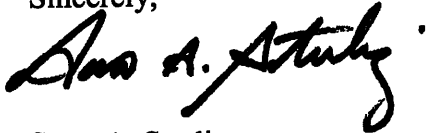
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state job given him by Gov. Murkowski as a political favor.

Please call (907) 258-3050 if you have any questions on these issues or how to preserve your right to vote by absentee mail.

The Alaska Democratic Party – **supporting your right to a fair and impartial ballot.**

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Sterling". The signature is fluid and cursive, with a large, stylized "S" at the beginning.

Scott A. Sterling
Chair

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NORTH MAIL, Inc.

5720 B STREET ANCHORAGE - AK 99518
Phone 907 565-6200 - Fax 907 565-3288
DEALER 606

FAX COVER SHEET

DECEMBER 06, 2004
DATE

ALASKA DEMOCRATIC PARTY
REFERENCE

NEIL REIFF
TO

KATHY HONEA
FROM

WASHINGTON
LOCATION

ANCHORAGE
LOCATION

(202)
TELEPHONE

(907) 565-6082
TELEPHONE

(202) 479-1115
FAX

(907) 565-6084
FAX

3 PAGE (S)
INCLUDING COVER

NOTES

THANK YOU

Kathy Honea

KATHY HONEA

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NORTH MAIL, Inc.

5720 B STREET ANCHORAGE - AK 99518
Phone 907 565-6200 - Fax 907 565-3288
alaskamail@alaska.com

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE

Alaska Democratic Party

and

Joelle Hall as Treasurer

MUR 5580

DECLARATION OF JANELLE L. NORMAN, CMDSM


1. I am the Manager, VP Mail Operations of North Mail, Inc., Mail and Print Services.
2. As part of my responsibilities as Manager, VP Mail Operations, I assisted our client, the Alaska Democratic Party ("ADP"), in undertaking several mailings on their behalf.
3. With respect to the absentee ballot mailing in this matter, I received an emailed document from Bridget Gallagher on or about October 13, 2004. This document contained a letter that the ADP wished to mail certain registered voters to encourage them to vote by absentee ballot.

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4. The document was emailed as an attachment and was in a Microsoft Word format. North Mail routinely converted such documents into printed letters and mailed them on behalf of the ADP.

5. During the production process, North Mail inadvertently deleted the "footer" from the letter and the disclaimer did not appear on the mailing. Representatives from North Mail did not notice the deletion of the disclaimer until it was notified by Ms. Gallagher that a complaint had been filed against the ADP regarding the missing disclaimer.

I declare under penalties of perjury that the foregoing is true and correct to the best of my present knowledge, information and belief. Dated this 7th day of December, 2004.



Janelle L. Norman, CMDMS

VP Mail Operations

North Mail, Inc. Mail & Print Services

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